

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Inland Midwest Corp. d/b/a Medtorque
612 Lamont Road
Elmhurst, IL 60126**

ATTENTION:

**Gus Gutierrez
Division Director
ggutierrez@medtorque.com**

Request to Provide Information Pursuant to the Clean Water Act

The U.S. Environmental Protection Agency is requiring Inland Midwest Corp. d/b/a Medtorque (Medtorque) to submit certain information about the facility at 612 Lamont Road, Elmhurst, IL 60126. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 45 calendar days after you receive this request. If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to Matthew Schulte at schulte.matthew@epa.gov, explaining the specific impacts on your ability to respond.

We are issuing this information request under Section 308(a) of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318(a). Section 308(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out an objective of the Act, the Administrator of EPA shall require the owner or operator of any point source to: establish and maintain such records, make such

reports, install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and provide such other information as the Administrator may reasonably require.

Medtorque owns and operates a point source at the Elmhurst, IL facility. We are requesting this information to determine whether this source is complying with the CWA.

Medtorque must send all required information to R5WECA@epa.gov and to schulte.matthew@epa.gov. If, for some reason, materials cannot be transmitted electronically, submissions can be sent to:

Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 5
Attn: Matthew Schulte, ECW-15J
77 W. Jackson Boulevard
Chicago, Illinois 60604

Medtorque must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

As explained more fully in Appendix C, Medtorque may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information submitted to us. Information subject to a business confidentiality claim is available to the public only to the

extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If Medtorque does not assert a business confidentiality claim when submitting the information, EPA may make this information available to the public without further notice. Medtorque should be aware, however, that pursuant to Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. § 2.302(e), effluent data, standards, and limitations are not eligible for confidential treatment.

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action. Failure to comply fully with this information request may subject Medtorque to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. §§ 1001 and 1341.

You should direct any questions about this information request to either Matthew Schulte at 312-886-2405.

Date

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information is not known or not available to you as of the date of submission and later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide a table of contents for the electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.*
4. Documents claimed as confidential business information (CBI) must be submitted in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the information claimed as CBI. Please follow the instructions in Appendix C for designating information as CBI.
5. Certify that all electronic submittals including attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this Information Request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. § 1251 *et seq.*, or 40 C.F.R. Part 122.

1. “Act” or “CWA” means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
2. “Day” or “days” means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
3. “Discharge of a pollutant,” as defined in Section 502(12) of the CWA, means *inter alia*, “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12).
4. “Facility” means the Medtorque facility located at 612 Lamont Road, Elmhurst, IL 60126.
5. “MGD” means millions of gallons per day.
6. “Municipal separate storm sewer system” or “MS4” is defined at 40 C.F.R § 122.26(b)(8) and includes:
 a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city...or other public body (created by or pursuant to State law) having jurisdiction over disposal of ... storm water
7. “Navigable waters,” as defined in Section 502(7) of the CWA, means “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).

“NPDES Permit” and “Permit” mean the permit issued in accordance with the National Pollutant Discharge Elimination System (NPDES) pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. These terms mean any NPDES permit of record issued by the State of Illinois to Medtorque, and any other permit issued to Medtorque noted in response to question 24, Appendix B.

8. “Outfall” means a type of “point source,” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that serves as a discharge point from the facility.
9. “Record” or “records” means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
10. “Storm water” shall mean storm water runoff, snow melt runoff, surface runoff and drainage.
11. “Wastewater” shall mean any water/liquid and all material conveyed with that water/liquid that contains process wastewater, discarded material, noncontact cooling and/or heating water, or domestic wastewater.
12. “You” or “Your” for purposes of this Information Request refers to Medtorque and to any managers, officers, agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of Medtorque.
13. “Point source,” as defined in Section 502(14) of the CWA, means “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
14. “Pollutant,” as defined in Section 502(6) of the CWA, means “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).
15. “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined in Section 212 of the CWA, 33 U.S.C. § 1292(2), that is owned by a State, Tribe, or a municipality (as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4)). Pursuant to 40 C.F.R. § 403.3(q), the definition of POTWs includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4), that has jurisdiction over indirect and direct discharges to such a treatment works.

16. “Wastewater Treatment Plant” or “WWTP” means the Wastewater Treatment Plant identified in the NPDES permit issued to the City of Elmhurst and located at 625 South Illinois Route 83, in Elmhurst, Illinois.

Appendix B

Information You Are Required to Submit to EPA

Medtorque must submit the following information pursuant to Section 308(a) of the Act,

33 U.S.C. § 1318(a):

1. Identify the facility's current and previous owners and operators. Provide a copy of all supporting documents, including Medtorque's Articles of Incorporation.
2. Identify the original construction date and initial operation date of the facility. Specify the construction date of each structure, the installation date of equipment for each process, and the date when the current owners began operation of the facility if different than these dates.
3. Provide an up-to-date plot plan of the facility.
4. Provide an up-to-date process flow diagram for the facility that includes, but is not limited to, each piece of processing and wastewater treatment equipment (e.g., storage tanks). Clearly label each piece of equipment and identify its capacity and contents. Include at a minimum sources(s) of water, points of direct and indirect discharge, and average and maximum flows in and out of each process.
5. Provide a sewer pipe schematic of the facility that labels and identifies all sewer pipe locations, discharge points, and connections, as well as all facility process and work areas including restrooms, kitchens, and any other drains or sewer connection points.

Manufacturing and Process Operations

6. Provide a detailed, narrative description of the current process operations at the facility, including, but not limited to, daily average production rates of each process at the facility. If a daily average is not determinable, provide a weekly or monthly average.
7. Identify and clearly describe any of the following operations performed at the facility on any base material. For each process performed at the facility, include a detailed description of the process, the chemicals used, and how process wastewater is handled.
 - a. Electroplating;
 - b. Electroless plating;
 - c. Anodizing;
 - d. Coating (including chromating, phosphating, and coloring);
 - e. Chemical etching and milling; or
 - f. Printed circuit board manufacture.

8. Identify and clearly describe any coating operations separate from chromating, phosphating, and coloring. For each process performed at the facility, include a detailed description of the process, chemicals used, and how associated wastewater is handled.
9. Identify and clearly describe any chemical etching operations occurring at the facility. Include a detailed description of the chemical etching process, the chemicals used, and how the associated wastewater is handled.
10. Identify and clearly describe any of the following process operations performed at the facility, per 40 C.F.R. § 433.10(a). For each process performed at the facility, include a detailed description of the process, the chemicals used, and how process wastewater is handled:

Cleaning, machining, grinding, polishing, tumbling, burnishing, impact deformation, pressure deformation, shearing, heat treating, thermal cutting, welding, brazing, soldering, flame spraying, sand blasting, other abrasive jet machining, electric discharge machining, electrochemical machining, electron beam machining, laser beam machining, plasma arc machining, ultrasonic machining, sintering, laminating, hot dip coating, sputtering, vapor plating, thermal infusion, salt bath descaling, solvent degreasing, paint stripping, painting, electrostatic painting, electropainting, vacuum metalizing, assembly, calibration, testing, and mechanical plating.

11. Identify and clearly describe any of the following metal forming operations performed at the facility, as described in 40 C.F.R §§ 467.01, 467.02, 468.01, 471.01:

Rolling, extruding, forging, drawing, swaging, cladding, tube reducing, and ancillary operations including casting for subsequent forming, heat treatment, surface treatment, alkaline cleaning, solvent degreasing, product testing, surface coating, sawing, grinding, tumbling, burnishing, and wet air pollution control.

Identify which metals, if any, are formed or treated under any of the operations described above. For each process performed at the facility, include a detailed description of the process, the chemicals used, and how process wastewater is handled.

12. Identify and clearly describe any of the following operations performed at the facility with respect to aluminum:

Rolling, drawing, extruding, forging, and related operations such as heat treatment, casting, and surface treatments, which means any chemical or electrochemical treatment applied to the surface of aluminum.

With respect to drawing and extruding, provide the amount of product processed each year from 2013 to the present. For each process performed at the facility, include a detailed description of the process, the chemicals used, and how process wastewater is handled.

13. Since the construction date of the plant(s) or 2016, whichever is later, provide a narrative description of any modifications to the fabrication, anodizing, painting, and manufacturing operation processes, that did or could have caused changes in the wastes or wastewaters produced at the facility. Include the date(s) of any modification.
14. State what coatings, solvents, thinners, cleaning agents, or other raw materials are used in the processes or stored onsite at the facility. State where they are stored at the facility, in what container types, and in what maximum quantities.
15. Explain whether any raw materials, wastes, or wastewaters that are used, stored or discharged at the facility contain substances that are included among the list of total toxic organics (TTOs) (at 40 C.F.R. § 433.11(e) and 40 C.F.R. § 467.02(q)).

Wastewater Treatment Operations

16. Provide a detailed, narrative description of the wastewater treatment operations at the facility and any modifications since 2016, including, but not limited to, any ability to bypass or divert any portion of the waste stream(s) from or to any portion of the treatment operation. Include the date(s) of any modifications.
17. Provide the volume of wastewater produced and discharged from the facility, in measured or estimated average and maximum daily flows, from 2016 to the present.

Process Wastewater Streams

18. For the wastewater from each operation or process at the facility, describe how the wastewater is handled and explain into which wastewater stream the wastewater goes.
19. For each of the facility's wastewater streams, provide a narrative description of the wastewater handling process; the pollutants present; and the applicable federal categorical standard. Provide all supporting documents including but not limited to sampling data, sample analyses, and engineering assessments from 2016 to the present. To the extent such sampling data and analyses are provided in response to Requests 27 and 28, do not provide the information again and instead direct us to the applicable information provided in response to those requests.

Documents

20. State whether any of the following has ever been prepared and/or submitted on behalf of the facility: a baseline report pursuant to 40 C.F.R. § 403.12(b); an initial compliance report pursuant to 40 C.F.R. § 403.12(d); a periodic report pursuant to 40 C.F.R. § 403.12(e); a notification under 40 C.F.R. § 403.12(p); or any other submission under 40 C.F.R. § 403.12. If so, identify to whom and on what date(s) such reports have been submitted and provide a copy of the report(s) and attachments and any documents

showing the circumstances of the submission of the report(s). Explain whether the applicable requirements of 40 C.F.R. § 403.12 (including 40 C.F.R. §§ 403.12(g), (l)) have been met with respect to the reports and if not, why not.

21. Except as requested in items above, provide a copy of all reports, notices, and documents submitted to EPA, the Illinois Environmental Protection Agency (IEPA), and the City of Elmhurst by or on behalf of the facility pursuant to the Pretreatment standards at 40 C.F.R. Parts 403, 433, or any other pretreatment standards.
22. Provide all documents that include determinations, engineering assessments, and/or associated explanations made regarding the applicability of any pretreatment or effluent standard under the CWA.
23. Provide copies of all permit applications and supporting documentation submitted to IEPA or the City of Elmhurst since January 2016 related to the facility's wastewater processes.
24. Provide copies of all permits issued to the facility by the IEPA or the City of Elmhurst since January 2016. Provide any currently applicable permits issued to the facility by IEPA or the City of Elmhurst.
25. Provide a copy of any Toxic Organic Management Plan (TOMP) that has been developed in accordance with 40 C.F.R Parts 403, 413, and 433.
26. Provide a copy of any Spill Prevention, Control, and Countermeasure (SPCC) Plan that has been developed in accordance with 40 C.F.R Part 112.

Wastewater Sampling Data

27. For any wastewater sampling that has been performed at the facility at any time since January 2016, include all sample results and all information required under 40 C.F.R. §§ 403.12(b)(5)(ii), (vii), and explain whether the requirements at 40 C.F.R. §§ 403.12(b)(5)(iii)-(vii) and §§ 403.12(o) have been met for each sample or if not, why not. Also explain what if any corrective measures were taken to meet the requirements. For each sampling event, provide the following:
 - a. Date, time, and place (sampling location) of each sample taken;
 - b. The person(s) who collected the wastewater samples, including their title(s) and affiliation(s) to the facility;
 - c. Wastewater flow rate at the time of the sampling;
 - d. Sampling methods employed in collecting and processing each sample;
 - e. Whether the sample(s) are a true representation of daily operations, normal work cycles, and then-present conditions at the facility;
 - f. Who analyzed the samples and whether this person is an employee of the facility or a contractor (and, if a contractor, the name and contact info of the contractor);
 - g. Sample analysis test methods;

- h. Results of all parameters analyzed (both daily maximum and average concentration for each parameter analyzed, as applicable); and
 - i. Whether the samples or sampling results have ever been submitted to the City of Elmhurst, IEPA, or EPA and, if so, on what date(s) or approximate date(s). Provide copies of any such submittals.
28. For the sampling system and procedures at the facility, provide the following information, including any modifications thereto, as applicable from 2016 to the present:
- a. A clear description of each sampling location(s) in relation to the wastewater streams at your facility, including but not limited to the streams described in response to Request 18 and 19 above;
 - b. A diagram that clearly identifies and labels the sampling system components;
 - c. A document identifying the sampling methods used and your justification for selecting these methods;
 - d. Photo(s) of the sampling location(s); and
 - e. A diagram that clearly identifies and labels the setup of each sample point in relation to the facility process areas, the process water discharge point(s), and wastewater treatment discharge point(s) to the sewer.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 308(a) of the CWA and 40 C.F.R. Part 2. Please clearly identify portions of otherwise non-confidential documents that you are claiming as confidential. EPA will construe the failure to furnish a confidentiality claim with your response to the information request may result in the information being made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who

is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
7. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination.

EPA may also find that the information you claim as confidential is clearly not entitled to confidential treatment and will provide you a determination letter stating the same. Examples of information clearly not entitled to confidential treatment include effluent data, as defined in 40 C.F.R. § 2.302(A)(2), and information in National Pollution Discharge Elimination System permit applications are not entitled to confidential treatment. See 40 C.F.R. § 122.7.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.